

GRESHAM CITY COUNCIL

AGENDA ITEM TYPE: DECISION



Service Preservation Ordinance

Meeting Date: June 3, 2013
Service Area: OGM

Agenda Item Number: C-1
Service Area Manager: Erik Kvarsten

REQUESTED COUNCIL ACTION

Move to approve Council Bill Number 05-14 to prevent reductions in police services, keep fire stations open and renew the \$7.50 per month Police, Fire and Parks fee.

PUBLIC PURPOSE AND COMMUNITY OUTCOME

The purpose of the item is to prevent significant reductions in police, fire and parks services. Police, fire and park services safeguard the health, safety, and welfare of the residents and enterprises of the City of Gresham. Stable and reliable police, fire and park services provide a multitude of economic and social benefits to the public, including, but not limited to:

- Protection of life and property
 - Reduction in the incidence of fire and crime
 - Dependable response by law enforcement
 - Reliable fire and emergency medical aid
 - Promotion of business and industry
 - Promotion of community health, community spirit and growth
-

BACKGROUND

On May 29, 2014 the City's Budget Committee - which consists of the City Council and the City's Finance Committee – recommended continuation of the Police, Fire and Parks fee to help pay for police, fire and parks services and to provide an acceptable level of service to the community. The attached ordinance renews the Police, Fire and Parks fee.

RECOMMENDATION AND ALTERNATIVES

The City Manager recommends that Council approve the ordinance in order to prevent significant reductions to Gresham's already lean Police, Fire and Parks staff.

BUDGET / FINANCIAL IMPACT

The Police, Fire and Parks fee of \$7.50/month is expected to generate \$3.7 million for FY 14/15.

PUBLIC INVOLVEMENT

Gresham's unique revenue situation has been the topic of a robust, multi-year public outreach effort, including seven town-hall style public meetings, multiple City Council and

budget committee meetings, and presentations to Neighborhood Associations and community groups.

NEXT STEPS

If approved, there will be a second reading on the Council Bill on Thursday, June 5, 2014. The Ordinance will then be effective on July 5, 2014.

ATTACHMENTS

A. Council Bill Number 05-14

FROM:

Erik Kvarsten, City Manager

REVIEWED THROUGH:

Sharron Monohon, Budget and Financial Planning Director
David Ris, City Attorney
Office of Governance and Management

FOR MORE INFORMATION

Staff Contact: Sharron Monohon, Budget and Financial Planning Director
Telephone: 503-618-2890
Staff E-Mail: Sharron.Monohon@GreshamOregon.gov
Website: www.greshamoregon.gov

ORDINANCE NO.

**AN ORDINANCE PREVENTING THE CLOSURE OF FIRE STATIONS AND
SUBSTANTIAL REDUCTIONS IN POLICE SERVICES BY CONTINUING THE \$7.50
PER MONTH POLICE, FIRE AND PARKS FEE**

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. GRC Article 2.97 is amended as follows:

Article 2.97

Police, Fire and Parks Fee

2.97.010 Purpose of Police, Fire and Parks Fee.

The purpose of the Police, Fire and Parks Fee is to provide ~~temporary~~ funding for police, fire and park services. Police, fire and park services safeguard, facilitate, and encourage the health, safety, and welfare of the residents and enterprises of the City of Gresham. Stable and reliable police, fire and park services provide a multitude of economic and social benefits to the public, including, but not limited to:

- Protection of life and property
- Reduction in the incidence of fire and crime;
- Dependable response by law enforcement
- Reliable fire and emergency medical aid
- Promotion of business and industry
- Promotion of community health, community spirit and growth

The Gresham City Council finds and determines the necessity of this Police, Fire, and Parks Fee to provide a ~~short-term~~ funding mechanism to help pay for the benefits of police, fire and parks services and to provide an acceptable level of service.

2.97.020 Definitions.

In addition to the definitions set forth in GRC 1.05.010, as used in GRC Article 2.97, the following mean:

Premise. A parcel or portion of a parcel of land within the corporate limits of the City of Gresham that receives a direct or indirect benefit from police, fire and park services. It is presumed that a Premise receives a direct or indirect benefit from police, fire and park services if the Premise is developed. A Premise is presumed to be developed if served by city water, stormwater, and/or wastewater utility. A Premise is not developed if no city utility serves the Premise.

Non-Residential Unit. A Premise or a portion of a Premise not used for personal, domestic accommodation in independent living facilities. A non-residential unit includes, but is not limited to, governmental, not-for-profit, business, commercial and industrial enterprises. Each portion of a non-residential Premise that has permanent provisions for distinct and defined access to an individual enterprise shall be considered as a separate non-residential unit.

Residential Unit. A Premise or a portion of a Premise with one or more rooms in a building or portion thereof designed for or that provides complete independent living facilities for one or more persons and includes permanent provisions for sleeping, cooking and sanitation. An accessory or ancillary residential unit on a Premise shall be considered as a separate residential unit. In Premises with two or more apartments, condominiums, mobile homes, or other residential units, each residential unit shall be considered as a separate residential unit for purposes of calculating the Police, Fire and Parks Fee. Portions of Premises primarily used for transient lodging whose occupants are subject to GRC Article 9.60 (Transient Lodging Tax) shall not be considered a residential unit.

2.97.030 Establishment of Police, Fire and Parks Fee.

(1) Effective Dates.

(a) Effective February 1, 2013 and ending on June 30, 2014, a Police, Fire and Parks Fee is established and imposed upon all city utility accounts within the Gresham city limits.

(b) Effective July 5, 2014, the Police, Fire and Parks Fee is renewed and will continue to be imposed upon all city utility accounts within the Gresham city limits.

(2) The Police, Fire and Parks Fee for each utility account shall be based on a monthly amount applied to the number of residential units and non-residential units allocated to that utility account. The Police, Fire and Parks Fee shall be prorated based on utility billing cycles and, for utility accounts that are opened or closed during the period the Police, Fire and Parks Fee is in effect, the date the utility account is opened or closed.

(3) Residential and Non-Residential Units that are the basis for calculating the Police, Fire and Parks Fee do not in any way create an obligation of the property or Premise and the obligation to pay the Police, Fire and Parks Fee is a personal obligation of the customer responsible for payment of the city utility account. No lien will attach to any Premise because of the nonpayment of the Police, Fire and Parks Fee.

(4) All developed property receives a direct or indirect benefit from police, fire and park services. The Police, Fire and Parks Fee applies to all City of Gresham utility accounts, including those that serve local, state and federal governments, and to city utility accounts that serve Premises that are entitled to an exemption from or deferral of ad valorem property taxes.

2.97.040 Amount of the Police, Fire and Parks Fee

(1) The amount of the Police, Fire and Parks Fee shall be \$7.50 per month for each residential and non-residential unit, subject to the following adjustments:

(a) The amount of the Police, Fire and Parks Fee for a Premise or portion of a Premise with four or more attached residential units shall be:

- (i) \$2.50 per month for February and March 2013,
- (ii) \$5.00 per month for April and May 2013, and
- (iii) \$7.50 per month thereafter.

(b) The Police, Fire and Parks Fee for a Premise or portion of a Premise with four or more attached residential units shall be reduced by 4.1%, which is the average Troutdale/Fairview/Wood

Village/Gresham area vacancy rate as reported by the Metro Multifamily Housing Association Apartment Report, Fall 2012, Volume 17.

2.97.050 Dedicated Funds.

(1) There shall be a Police, Fire and Parks Fund. All Police, Fire and Parks Fee revenues imposed and collected under this article shall be deposited in the Police, Fire and Parks Fund.

(2) Money in the Police, Fire and Parks Fund shall be used for the purposes of operation and administration of city police, fire and parks services ~~and the administration, billing and collection of the Police, Fire and Parks Fee.~~ Ninety-five percent of the Police, Fire and Parks Fund shall be dedicated to police and fire services, and five percent to parks services. The Police, Fire and Parks Fee shall not be used for any other governmental or proprietary functions of the city.

(3) The City Council may designate a portion of the fee to provide financial assistance to low income individuals.

2.97.060 Billing.

(1) The customer responsible for paying the city utility account is responsible for payment of the Police, Fire and Parks Fee.

(2) The city shall collect the Police, Fire and Parks Fee by adding the Police, Fire and Parks Fee to the utility bill of each customer in the City of Gresham. The city will bill the Police, Fire and Parks Fee on a schedule approved by the manager.

(3) If a Premise has more than one utility account, the Police, Fire and Parks Fee for the Premise shall be calculated based on the total number of residential units and non-residential units on the Premise. The residential units and non-residential units may be combined into one account or allocated to each account.

(4) Charges for water, wastewater, stormwater, and the Police, Fire and Parks Fee may be billed on the same utility bill. Payment shall be applied first to the Police, Fire and Parks Fee.

2.97.070 Payment Due Date.

The Police, Fire and Parks Fee shall be paid within 26 days from the service period ending date on the utility bill.

2.97.080 Adjustment of Accounts.

(1) Customers who believe their Police, Fire and Parks Fee, as applied to their Premise, is not within the intent of this article may request, in writing, a review of their Police, Fire and Parks Fee by the manager. The manager may initiate a review of a customer's Police, Fire and Parks Fee.

(a) If a customer's charge is reduced as a result of this review, the corrected Police, Fire and Parks Fee shall begin with the next billing and a credit or refund shall be made retroactively, not to exceed one year from the last billing.

(b) If a customer's charge is increased as a result of this review, the corrected Police, Fire and Parks Fee shall begin with the next billing and the customer may be billed for the increase retroactively, not to exceed one year from the last billing.

(2) If an existing customer has not been billed for the Police, Fire and Parks Fee, the Police, Fire and Parks Fee shall begin with the next billing and the customer may be billed retroactively, not to exceed one year.

(3) Customers not satisfied with the results of the review by the manager may protest the manager's decision to an independent hearings officer. GRC 7.50.030(1) to (10) shall apply to any protest.

(4) The manager may write off closed accounts and retroactive bills if in the best interest of the city and may write off refunds, unless the customer requested otherwise, if the cost of making the refund would exceed the amount of the refund.

2.97.090 Delinquency.

(1) A Police, Fire and Parks Fee is delinquent if payment in full is not received by the city within 26 days from the service period ending date on the regular bill.

(2) If a customer's utility account for Police, Fire and Parks Fee is delinquent, the city may discontinue all water services billed on that account.

(3) The city may discontinue all of a customer's current water services at any time the city discovers that the customer has a delinquent Police, Fire and Parks Fee at any property in the city.

(4) The council may set by resolution fees for extra services required in collecting delinquent customer accounts for Police, Fire and Parks Fee.

* * * * *

First reading : _____

Second reading and passed: _____

Yes: _____

No: _____

Absent: _____

Abstain: _____

Erik Kvarsten
City Manager

Shane T. Bemis
Mayor

Approved as to Form:

David R. Ris
City Attorney